

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

CRIMINAL CASE  
NO. 03-10368 RCL

DEREK FRAZIER  
Defendant

REPORT & ORDER ON  
FINAL STATUS CONFERENCE

ALEXANDER, U.S.M.J.

On May 5, 2004, the parties appeared before this Court for a Final Status Conference. With regard to the following issues, the parties have represented that:

1. There are no features of the case that deserve special attention or modification of the standard schedule;
2. Discovery is complete and there are no pending discovery motions;
3. Supplemental discovery is anticipated for the twenty-one (21) day discovery materials;
4. The applicable periods of excludable delay under the Speedy Trial Act include: December 23, 2003, through January 19, 2004 (28 days); the time period January 20, 2004, through February 10, 2004 (21 days), **the time period of a pending pre-trial motion**; February 10, 2004, through March 23, 2004 (43 days) and March 23, 2004, through May 5, 2004 (44 days), for a total of one hundred and thirty-six (136) days as of May 5, 2004. The total amount of time to proceed to trial is seventy (70) days as of May 5, 2004. There is a pending motion to dismiss one count of the indictment that will cause additional excludable time on the Speedy Trial Clock;
5. (a) The defendant does not intend to raise a defense of insanity;  
  
(b) The defendant does not intend to raise a defense of public authority;
6. The government has not requested notice of alibi by the defendant;

7. There is a pending motion to dismiss one count of the indictment that will require a ruling by the District Judge before trial. A briefing schedule of April 16, 2004, for the filing of the defendant's dispositive motions and April 30, 2004, for the filing of the government's response, has already been established;
8. There is no need for a schedule concerning any other matter other than trial;
9. The parties are still discussing early resolution of the case without trial;
10. Trial is necessary. The estimated duration of the trial is five (5) days;
11. There are no other matters.

IT IS HEREBY ORDERED THAT

Whereas all pre-trial matters referred to this Court by the District Judge have been resolved, the case is hereby returned to the District Judge.

HONORABLE JOYCE LONDON ALEXANDER  
UNITED STATES MAGISTRATE JUDGE  
By the Court:

/S/ Rex Brown  
Courtroom Clerk  
(617) 748-9238

May 10, 2004  
Date